

7049
DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-191011

DATE: July 19, 1978

MATTER OF: J.B.L. Construction Company, Inc.--
Reconsideration

DIGEST:

Prior decision is affirmed because request for reconsideration fails to demonstrate error of fact or law. Assertion that contracting officer was on notice of alleged mistake in bid prior to August 10 formal execution of contract is not for consideration because contract was awarded by unequivocal letter of acceptance on July 15, prior to allegation of error.

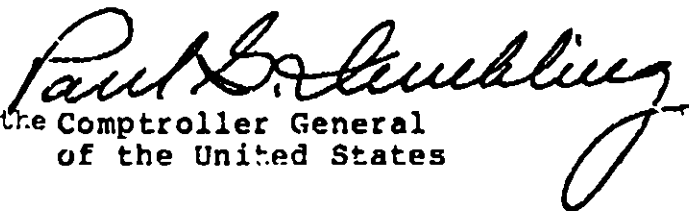
On June 1, 1978, the J.B.L. Construction Co., Inc. (JBL), filed a request with this Office seeking reconsideration of our decision in J.B.L. Construction Co., Inc., B-191011, April 18, 1978, 78-1 CPD 301. In that decision we denied JBL's request for an adjustment in contract price for a unilateral mistake in bid of which the contracting officer was not on notice at the time of award.

JBL now asserts that the contracting officer was in fact apprised of the alleged errors prior to the award of the contract since the matter was raised in a meeting on August 10, 1977, at which the contract was signed. JBL also states that at this meeting the contracting officer threatened to use JBL's bid bond to complete the work if JBL did not sign the contract. We note, however, that the contract in question was awarded to JBL by an unequivocal letter of acceptance dated July 15, 1977, for which JBL acknowledged receipt on July 19, 1977, prior to notice to the contracting officer of the alleged errors in JBL's bid. Consequently, we regard the matter as arising after the award of the contract.

Furthermore, we see no relevance to JBL's assertion regarding the contracting officer's threat to use the

bid bond since the purpose of the bid bond is to ensure that a bidder will execute the required contract documents and deliver the required bonds. The contracting officer's "threat" in this instance appears nothing more than an expression by the contracting officer of an intent to exercise the Government's rights in the event of a default by JBL.

Since JBL has failed to demonstrate any error of fact or law in our prior decision, that decision is affirmed.


for the Comptroller General
of the United States